



# City of Killeen

## Legislation Text

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**File #:** RS-24-057, **Version:** 1

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Consider a memorandum/resolution approving a petition submitted by James Kent, on behalf of Pimluck Properties LLC, requesting release from the City of Killeen Extraterritorial Jurisdiction (ETJ) for approximately 5.78 acres of land out of the W. Allen Survey, Abstract No. 24. The subject property is generally located on the west side of Brewer Road, approximately 0.31 miles north of F.M. 2484, Salado, Texas.

**DATE:** March 19, 2024

**TO:** Kent Cagle, City Manager

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** Petition requesting release from the Extraterritorial Jurisdiction (ETJ)

### **BACKGROUND AND FINDINGS:**

During the 2023 Legislative Session, the Texas Legislature passed Senate Bill 2038, which amended Texas Local Government Code Chapter 42 to allow the owner(s) of property located within the extraterritorial jurisdiction (ETJ) of a municipality to petition that municipality for release from the ETJ. This amendment became effective on September 1, 2023.

On January 11, 2024, staff received the attached petition for release from the ETJ from James Kent, on behalf of Pimluck Properties LLC, owners of the subject property, being approximately 5.78 acres out of the W. Allen Survey, Abstract 24, Salado, Texas.

Texas Local Government Code Sec. 42.023 states that the extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution.

With the adoption of S.B. 2038, Texas Local Government Code Sec. 42.104(d) now states: "If a municipality fails to take action to release the area [...] by the later of the 45<sup>th</sup> day after the date the municipality receives the petition or the next meeting of the municipality's governing body that occurs after the 30<sup>th</sup> day after the date the municipality receives the petition, the area is released by operation of law."

### **THE ALTERNATIVES CONSIDERED:**

N/A

**Which alternative is recommended? Why?**

N/A

### **CONFORMITY TO CITY POLICY:**

This item conforms to all applicable City policy.

**FINANCIAL IMPACT:**

**What is the amount of the revenue/expenditure in the current fiscal year? For future years?**

This is not applicable.

**Is this a one-time or recurring revenue/expenditure?**

This is not applicable.

**Is this revenue/expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this revenue/expenditure?**

This is not applicable.

**RECOMMENDATION:**

Staff recommends that the City Council approve the petition requesting release from the ETJ in accordance with Chapter 42 of the Texas Local Government Code.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Petition  
Maps  
Presentation